

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL SCRIPPS,

Plaintiff,

v.

Case No. 23-CV-12236
Hon.

MICHAEL JACKSON,

Defendant.

Adam J. Devlin (P72877)
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Co-Counsel for Plaintiff
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HERTZ SCHRAM PC
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NOTICE OF REMOVAL

Defendant, Michael Jackson (“Defendant” or “Mr. Jackson”), through his attorneys, Hertz Schram PC, removes the case *Michael Scripps v. Michael Jackson*, Case No. 2023-200158-CZ, Oakland County (Michigan) Circuit Court, to the United

States District Court for the Eastern District of Michigan. Removal is based upon 28 U.S.C. §§ 1332(a)(1) and 1441(a) and (b), and the specific bases are more fully set forth below.

THE COMPLAINT AND STATE ACTION

1. On May 3, 2023, Plaintiff, Michael Scripps (“Plaintiff” or “Mr. Scripps”), filed a Complaint captioned *Michael Scripps v. Michael Jackson*, Case No. 2023-200158-CZ, Oakland County (Michigan) Circuit Court (the “State Action”). A copy of the summons and complaint from the State Action, which constitute all process, pleadings, and orders served upon Defendant in the State Action and of which Defendant has notice, are attached as **Exhibit A**.

2. On August 1, 2023, Defendant was served with and received notice of the Complaint.

REMOVAL IS PROPER

3. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441(a) and 1446, which provide, *inter alia*, that any civil action in which the United States District Courts have original jurisdiction may be removed by a defendant.

4. This Court has jurisdiction over this case based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a).

A. There is Complete Diversity of Citizenship

5. Plaintiff is currently a resident of Colorado.

6. Defendant is a resident of Oakland County, Michigan.

7. Accordingly, there is complete diversity of citizenship among the parties.

B. The Amount in Controversy Exceeds \$75,000

8. The Complaint alleges that Plaintiff is damaged by Defendant's possession and sale of Plaintiff's alleged personal property and seeks relief under legal theories of "conversion," "punitive damages," "unjust enrichment," and "fraud." Plaintiff's Complaint states that Plaintiff seeks damages of more than \$500,000.00 (well in excess of \$75,000). *See Exhibit A.*

9. Thus, it is evident that the amount in controversy exceeds \$75,000.00, satisfying the requirement of 28 U.S.C. § 1332(a).

VENUE IS PROPER

10. Removal to the United States District Court for the Eastern District of Michigan, Southern Division, is proper under 28 U.S.C. § 1441 because this is the United States District Court and Division having jurisdiction and venue over the location of the pending state court action.

REMOVAL IS TIMELY

11. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is filed within 30 days from the date Defendant received a copy of the Complaint.

NOTICE TO STATE COURT AND PARTIES

12. Concurrent with the filing of this Notice of Removal, a Notice of Filing of Notice of Removal is being filed with the Oakland County Circuit Court as required by 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal is attached as **Exhibit B**.

13. Defendant is serving Plaintiff's counsel with a copy of the Notice of Removal and the Notice of Filing of Notice of Removal as required by 28 U.S.C. § 1446(d).

ADDITIONAL CONSIDERATIONS

14. The prerequisites for removal under 28 U.S.C. § 1441 have been met.

15. No Defendant has sought similar relief with respect to this matter.

16. No admission of fact, allegation, claim, or wrongdoing is intended by this Notice of Removal, and Defendant expressly reserves all defenses and motions otherwise available to him.

17. Defendant expressly reserves the right to submit additional evidence in support of the Notice of Removal, including, without limitation, as may be necessary to address and refute any contentions set forth in a motion to remand.

18. The allegations of this notice are true and correct, and this cause is within the jurisdiction of the United States District Court for the Eastern District of

Michigan. Plaintiff is notified to proceed no further in state court unless or until the case should be remanded by order of said United States District Court.

19. Defendant will file its responsive pleading in accordance with Rule 81(c)(2) of the Federal Rules of Civil Procedure, unless such response date is otherwise extended by this Court.

Respectfully Submitted,

HERTZ SCHRAM PC

By: /s/ Kenneth F. Silver

Kenneth F. Silver (P33546)

Eric D. Berlin (P77845)

Attorneys for Defendant

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eberlin@hertzschram.com

Dated: August 30, 2023

Exhibit A

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NO. 2023-200158-CZ Judge Martha D Anderson
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Court address

1200 N Telegraph Rd Pontiac, MI 48341

Court telephone no.

Plaintiff's name, address, and telephone no.
Michael Scripps

Defendant's name, address, and telephone no.
Michael Jackson

v

Plaintiff's attorney, bar no., address, and telephone no.
Adam J Devlin P72877
30850 Telegraph Rd
Ste 250
Bingham Farms, MI 48025
248 703 6201

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 5/4/2023	Expiration date 08/03/2023	Court clerk Lisa Brown
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Summons (3/23)

Case No. 2023-200158-CZ

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____ Date and time _____

Signature _____ on behalf of _____

Name (type or print) _____

This case has been designated as an eFiling case, for
more information please visit www.oakgov.com/efiling.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MICHAEL SCRIPPS,

2023-200158-CZ

Plaintiff,

Case No: -CZ.

Vs.

JUDGE MARTHA D.
Hon. ANDERSON

MICHAEL JACKSON

Defendant

_____/

ADAM J DEVLIN, P72877
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Co-Counsel for Plaintiff
30850 Telegraph Rd Ste 250
Bingham Farms, MI 48025
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_____/

BEN SANSONE
SANSONE & LAUBER
Pending Pro Hac Vice Admission
Co-Counsel for Plaintiff
7777 Bonhomme Ave Suite 2100
Clayton, Missouri 63105
(314) 863-0504

COMPLAINT

There are no other pending or resolved civil actions
arising out of the transactions or occurrences alleged
in this complaint. - /s/ Adam J Devlin P72877

COMES NOW Plaintiff, MICHAEL SCRIPPS and for his Complaint against
Defendant, MICHAEL JACKSON states as follows:

PARTIES AND VENUE

1. Plaintiff is currently a resident of Colorado.
2. The Defendant is a resident of Oakland County Michigan.

3. Upon information and belief, all the subject property is currently located in Oakland County Michigan.

4. The amount in controversy exceeds \$25,000, exclusive of interest and costs.

5. Venue is proper in Oakland County Michigan as the defendant is located in Oakland County Michigan and the wrongfully withheld and converted property is located in Oakland County Michigan.

FACTS COMMON TO ALL COUNTS

6. Defendant voluntarily took temporary possession of Plaintiff's property listed in attached Exhibit A and promised to hold it and keep it safe while Plaintiff had to serve a term of Federal incarceration and probation which ended in December 2022.

7. Plaintiff has requested return of the subject property since release from Federal probation in December 2022 and Defendant has continually refused.

8. Additionally, upon information and belief, Plaintiff recently learned the Defendant sold some of Plaintiff's property and has been unjustly enriched.

9. Plaintiff, through counsel, in February 2023, requested the property items back and was willing to arrange pickup and transportation and other reasonable accommodations. Defendant refused to return even any single item of the subject property.

COUNT I - CONVERSION

10. Plaintiff incorporates by reference paragraphs 1 through 9 as if fully set forth herein.

11. Defendant has taken the unauthorized assumption of the right of ownership or possession of the personal property of Plaintiff listed in Exhibit A.

12. Defendant has taken this unauthorized possession of property, sold some of the property for cash, and refuses to return any of the property with the intent to exercise control over the property and ultimately control and manipulation over the Plaintiff.

13. This unauthorized control, disposal, and possession of Plaintiff's property excludes the rights of the owner, the Plaintiff, who is lawfully entitled to possession.

14. Plaintiff has been and is entitled to possession of this property.

15. Defendant has deprived Plaintiff of his possession and control of personal property.

WHEREFORE, Plaintiff prays for the following: An Order requiring Defendant to return Plaintiff's property, an award of monetary damages in excess of \$25,000 for any lost, damaged, or destroyed property, an award of damages for deprivation of possession of the property, interest and costs, and such further relief as this Court may deem just and equitable.

COUNT II -PUNITIVE DAMAGES

16. Plaintiff incorporates by reference paragraphs 1 through 15 as if fully set forth herein.

17. Defendant's conversion and wrongful possession of plaintiff's personal property is reckless and indifferent to the rights of plaintiff and with evil motive and intent.

18. Defendant is knowingly and purposely withholding said subject personal property ulterior motives, including but not limited to control and manipulation of the Plaintiff.

19. Additionally, the defendant has used the evil intent of trying to deny Plaintiff possession of his rightfully own personal property by pointing to his past conviction which he has served his time for and moved on with his life.

20. Defendant knows that the withholding of Plaintiff's personal property is causing him financial hardship and is using that financial hardship to manipulate the Plaintiff emotionally.

WHEREFORE, the plaintiff prays that this Court enter a judgment of punitive damages against the defendant in favor of plaintiff more than \$500,000.00 and for whatever other relief this court deems just and proper.

COUNT III – UNJUST ENRICHMENT

21. Plaintiff incorporates by reference paragraphs 1 through 20 as if fully set forth herein.

22. Defendant was provided and accepted safekeeping of Plaintiff's property.

23. Defendant sold some of the entrusted property for cash and has maintained that benefit.

24. Additionally, Defendant had been unjustly enriched by withholding the return of the property to Plaintiff and enjoying the benefit of possession of the property.

25. It is inequitable for Defendant to benefit from the unauthorized possession and/or selling of Plaintiff's property without providing compensation to Plaintiff.

WHEREFORE, Plaintiff prays for the following: An Order requiring Defendant to return Plaintiff's property, an award of monetary damages more than \$25,000 for any lost, damaged, or destroyed property, an award of damages for deprivation of possession of the property, interest and costs, and such further relief as this Court may deem just and equitable.

COUNT IV – UNJUST ENRICHMENT

26. Plaintiff incorporates by reference paragraphs 1 through 25 as if fully set forth herein.

27. Defendant was provided and accepted safekeeping of Plaintiff's property.

28. Defendant sold some of the entrusted property for cash and has maintained that benefit.

29. Additionally, Defendant had been unjustly enriched by withholding the return of the property to Plaintiff and enjoying the benefit of possession of the property.

30. It is inequitable for Defendant to benefit from the unauthorized possession and/or selling of Plaintiff's property without providing compensation to Plaintiff.

WHEREFORE, Plaintiff prays for the following: An Order requiring Defendant to return Plaintiff's property, an award of monetary damages more than \$25,000 for any lost, damaged, or destroyed property, an award of damages for deprivation of possession of the property, interest and costs, and such further relief as this Court may deem just and equitable.

COUNT V – FRAUD

31. Plaintiff incorporates by reference paragraphs 1 through 30 as if fully set forth herein.

32. Defendant falsely represented to the Plaintiff that he would hold his property in safe keeping and return it to Plaintiff when his term of incarceration and probation were complete.

33. Plaintiff trusted Defendant's fraudulent representations and was unaware of the falsity of said representations until Defendant refused to return the property.

34. Plaintiff reasonably relied on Defendant's representations that he would safekeep and return Plaintiff's property.

35. Plaintiff has been damaged by reliance on Defendant's fraudulent representations by deprivation of possession of his property and/or unauthorized selling of Plaintiff's property without providing compensation to Plaintiff.

WHEREFORE, Plaintiff prays for the following: An Order requiring Defendant to return Plaintiff's property, an award of monetary damages more than \$25,000 for any lost, damaged, or destroyed property, an award of damages for deprivation of possession of the property that this Court enter a judgment of punitive damages against the defendant in favor of plaintiff more than \$500,000.00 and for whatever other relief this court deems just and proper.

Respectfully Submitted,

/s/ Adam Devlin

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ATTORNEY FOR PLAINTIFF

Of counsel pending Pro Hac Vice Admission:

A handwritten signature in cursive script that reads "Ben Sansone". The signature is written in black ink and is positioned above a horizontal line.

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ATTORNEY FOR PLAINTIFF

Exhibit B

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND**

MICHAEL SCRIPPS,

Plaintiff,

v.

Case No. 23-200158-CZ
Hon. Martha D. Anderson

MICHAEL JACKSON,

Defendant.

Adam J. Devlin (P72877)

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NOTICE OF FILING OF NOTICE OF REMOVAL

Defendant, Michael Jackson (“Defendant” or “Mr. Jackson”), through his attorneys, Hertz Schram PC, states that on August 30, 2023, he filed the attached Notice of Removal in the United States District Court for the Eastern District of Michigan, thereby removing this action to that Court. Please take notice that pursuant to the provisions of 28 U.S.C. § 1446(d), this Court “shall proceed no further.”

Respectfully Submitted,

HERTZ SCHRAM PC

By: /s/ Kenneth F. Silver

Kenneth F. Silver (P33546)

Eric D. Berlin (P77845)

Attorneys for Defendant

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Dated: August 30, 2023